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Filing date: **09/30/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217524
Party	Defendant Oplink Communications, Inc.
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Date	09/30/2014
Attachments	Answer.PDF(240390 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos.: 86/023899 and 86/047016

Marks: OPLINK and OPLINK & Design

UPLINK SECURITY, LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91217524
)	
OPLINK COMMUNICATIONS, INC.,)	
)	
Applicant.)	
)	

ANSWER

Applicant Oplink Communications, Inc. ("Applicant"), owner of United States Trademark Application Nos. 86/023899 and 86/047016 hereby answers the Notice of Opposition ("Opposition") filed by Opposer Uplink Security, LLC ("Opposer"). Applicant lacks sufficient information on which to form a belief as to the truth of Opposer's allegations in the unnumbered introductory paragraph of the Opposition and on that basis denies the allegations contained therein. With respect to the individually numbered paragraphs of the Opposition, Applicant answers as follows:

1. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies each and every one of them.
2. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 2 and on that basis denies each and every one of them.
3. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 3 and on that basis denies each and every one of them.
4. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 4 and on that basis denies each and every one of them.

5. Applicant admits that Opposer is listed as the current owner for Registration Nos. 4013326, 3279435, 3826255, and 4546091. Applicant denies that Registration No. 4013326 is “incontestable.” Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 5 and on that basis denies each and every one of them.

6. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 6 and on that basis denies each and every one of them.

7. Applicant admits the allegations in Paragraph 7.

8. Applicant admits the allegations in Paragraph 8.

9. Applicant admits the allegations in Paragraph 9.

10. Applicant admits the allegations in Paragraph 10.

11. Applicant admits the allegations in Paragraph 11.

12. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 12 and on that basis denies each and every one of them.

13. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 13 and on that basis denies each and every one of them.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. Applicant denies the allegations in Paragraph 16.

17. Applicant denies the allegations in Paragraph 17.

18. Applicant admits that the registration dates for Registration Nos. 4013326, 3279435, and 3826255, predate Applicant’s filing date for the Oplink Application. Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 18 and on that basis denies each and every one of them.

19. Applicant admits that the registration dates for Registration Nos. 4013326, 3279435, and 3826255, predate Applicant’s filing date for the Design Application. Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 19 and on that basis denies each and every one of them.

20. Applicant admits that the filing date for Registration No. 4546091 predates Applicant's filing date for the Oplink Application. Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 20 and on that basis denies each and every one of them.

21. Applicant admits that the filing date for Registration No. 4546091 predates Applicant's filing date for the Design Application. Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 21 and on that basis denies each and every one of them.

22. Applicant denies the allegations in Paragraph 22.

23. Applicant denies the allegations in Paragraph 23.

24. Applicant denies the allegations in Paragraph 24.

25. Applicant denies the allegations in Paragraph 25.

AFFIRMATIVE DEFENSES

26. Opposer's requests for relief are barred because Applicant has made use of its OPLINK mark prior to Opposer's first use or registration of UPLINK, UPLINK GPS, or U-TRAQ BY UPLINK, and Applicant's goods and services at issue in the subject Opposition are within its natural zone of expansion.

27. Opposer's requests for relief are barred because UPLINK is a weak mark that is not entitled to a broad scope of protection.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice, and that the prayer for relief contained therein be denied.

Dated: September 30, 2014

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By Harold M

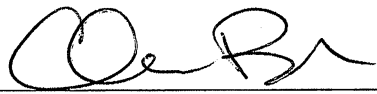
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing ANSWER is being served upon counsel for Opposer Uplink Security, LLC by First Class Mail on this 30th day of September, 2014, by placing the same in an envelope addressed as follows:

Jeffrey Sladkus
The Sladkus Law Group
1827 Powers Ferry Road, Building 6, Suite 200
Atlanta, GA 30339

By: _____

Chelseaa Bush